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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,900	11/06/2001	Glen R. Cataline	47004.000115	4559
21967 7590 04/06/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER KARMIS, STEFANOS	
			ART UNIT 3691	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/985,900		CATALINE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Stefano Karmis		3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/1/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 15 February 2007.

#### ***Status of Claims***

2. Claims 1-47 are currently pending.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (hereinafter Johnson) U.S. Patent 6,999,943.

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Regarding independent claims 1, 21 and 41, Johnson discloses a system for managing a transmission of funds comprising:

a first interface for communicating first information regarding at least one payment source (column 9, lines 18-28 and column 11, lines 38-67);

a second interface for communicating second information regarding at least one payee account (column 9, lines 18-28 and column 11, lines 38-67);

a processor, communicating with the first interface and the second interface, the processor selectably directing the transmission of funds from the at least one payment source to the at least one payee account based on an optimization determination that is performed by the processor, the optimization determining a payment mechanism to use to transfer the funds from the at least one payment source to the at least one payee account, wherein the at least one payment source is determined prior to performing the optimization determination (column 10, lines 32-57 and column 12, lines 1-41);

wherein the processor;

determines from a set of payment mechanisms a reduced set of payment mechanisms, the reduced set being a set of payment mechanisms from which one payment mechanism is determined to effect the transmission of funds (column 10, lines 32-57 and column 12, lines 1-41 and column 17, lines 53 thru column 18, line 14; Examiner notes that reducing the payment mechanism to one qualifies as a reduced set);

after determining the reduced set of payment mechanisms, the processor performs the optimization determination (column 10, lines 32-57 and column 12, lines 1-41);

the processor effecting the transfer of funds using the determined payment mechanism (column 10, lines 32-57 and column 12, lines 1-41).

Claims 2 and 22, the optimization determination comprises a calculation of at least one payment source data, payee account data, payment schedule data, payment type data and privacy data (column 10, lines 32-57 and column 12, lines 1-41 and column 17, lines 53 thru column 18, line 14).

Claims 3 and 23, wherein the at least one payment source comprises a calculation of at least one of a direct deposit account, a source credit account, a mortgage account, a securities account, a money market account, a micro payment account, an overdraft account and a stored value account (column 24, lines 60 thru column 25, line 8).

Claims 4 and 24, the at least one payee account comprises at least one of a utility account, a mortgage account, a payee credit account and a contribution account (column 5, line 64 thru column 6, line 7).

Claims 5 and 25, a storage module, communicating with the processor, the storage module storing at least one of the data on the optimization determination, data on the at least one payment source account, and data on the at least one payee account (column 11, lines 15-36).

Claims 6 and 26, wherein at least one of the first interface and the second interface comprises a telephone connection (column 25, line 52 thru column 26, line 16).

Claims 7 and 27, wherein at least one of the first and the second interface comprises a network connection (column 25, line 52 thru column 26, line 16).

Claims 8 and 28, the network connection comprises a remote client from which a user may communicate transaction instructions (column 25, line 52 thru column 26, line 16).

Claims 9 and 29, the remote client comprises at least one of a computer, a network-enabled cellular telephone, a portable digital assistant, a paging device, and a set-top box (column 25, line 52 thru column 26, line 16).

Claims 10 and 30, the user comprises at least one of a consumer, a business entity and a government entity (column 28, lines 26-52).

Claims 11 and 31, wherein at least one of the first interface and the second interface comprises a desktop graphical user interface directly communicating with the processor (column 28, lines 5-12).

Claims 12 and 32, wherein the processor performs an optimization on a transaction carried out according to the transaction instructions (column 20, lines 21-56).

Claims 13 and 33, the optimization comprises at least one of minimizing a cost variable, fulfilling a transaction schedule, minimizing a payment penalty, maximizing a float of the at least

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one source account, ensuring an affiliation between the payment source and the payee account, maximizing security, maximizing reliability, minimizing risk, fulfilling a contractual obligation, maximizing volume discounts, aggregating a transaction amount, maximizing a transaction amount and maximizing available bonus awards (column 16, lines 9-46, column 18, line 44 thru column 19, line 20 and column 21, lines 3-28).

Claims 14 and 34, the optimization comprises minimizing a cost variable, and the cost variable comprises at least one of a transaction cost charged to a payment initiator and an internal cost absorbed by a payment enabler (column 12, lines 1-41 and column 17, line 53 thru column 18, line 14).

Claims 15 and 35, the optimization determination comprises utilization of third party association and payment providers (column 5, line 53 thru column 6, line 8 column 20, line 57 thru column 21, line 2).

Claims 16 and 36, wherein members of the third party associations are systematically identified by at least one of real time calls to the third party associations, and real time calls to a datastore containing third party association member data which is periodically updated (column 5, line 53 thru column 6, line 8 column 20, line 57 thru column 21, line 2).

Claims 17 and 37, the optimization determination comprises a systematic identification and internal settlement for closed loop payments in which the payment source and the at least

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one payee account reside within one entity (column 5, line 53 thru column 6, line 8 column 20, line 57 thru column 21, line 2).

Claims 18 and 38, wherein an expense reduction resulting from optimization of the cost variable is realized by at least one of the payment enabler and the payment initiator (column 12, lines 1-41 and column 17, line 53 thru column 18, line 14).

Claims 19 and 39, wherein a payment initiator is presented with at least two mechanisms that meet the payment schedule data and associated costs of the at least two mechanisms, and the payment initiator is permitted to manually choose an optimal method of transfer (column 12, line 59 thru column 13, line 3 and column 14, lines 16-21).

Claims 20 and 40, wherein the transmission of funds comprises a currency conversion (column 25, lines 29-51).

Claim 42, wherein performing the optimization determination comprises maximizing volume discounts (column 21, lines 3-28).

Claim 43, wherein the optimization determination comprises aggregating a transaction amount (column 12, lines 55-58).



Claim 44, wherein performing the optimization determination comprises maximizing a transaction amount and maximizing available bonus awards (column 9, lines 29-42).

Claim 45, the payment source comprises at least one selected from the group consisting of a checking or other demand deposit account, money market fund, securities account, stored value account, credit card account, currency account, overdraft line of credit, micro payment account and line of credit (column 24, line 60 thru column 25, line 8).

Claim 46, the processor further performing a second optimization process, the second optimization process selecting the at least payment source from a plurality of payment sources based on the optimization (column 16, lines 19-46).

Claim 47, wherein the system allows the payment request initiator to select a payment source from a plurality of payment sources (column 12, line 59 thru column 13, line 3 and column 14, lines 16-21).

### ***Conclusion***

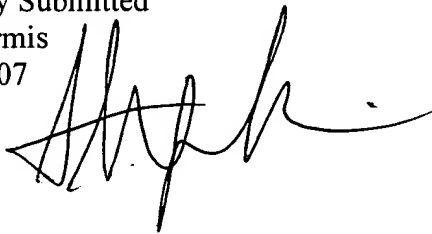
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefano Karmis  
02 April 2007

A handwritten signature in black ink, appearing to read 'Stefano Karmis', with a stylized, cursive script.